

**IN THE UNITED STATES BANKRUPTCY COURT  
Eastern District of Virginia  
Richmond Division**

**In re: Christopher Joseph Matisa  
Sandra Matisa  
DBA Kiss of Ink, LLC  
AKA Sandra Stillwell  
Debtors**

**Case No. 16-34506-KRH  
Chapter 13**

Address: 171 Alameda Dr  
Pamplin, VA 23958

Last four digits of Social Security No(s): xxx-xx-4776 (Debtor)  
xxx-xx-5022 (Joint Debtor)

**NOTICE OF OBJECTION TO CLAIM**

The above named Debtors have filed an Objection to Claim in this bankruptcy case.

**Your claim may be reduced, modified or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one.**

If you do not want the Court to eliminate or change your claims, then no later than 30 days from the date of this notice, you or your attorney must:

File with the Court a written response to the objection, explaining your position, at:

Clerk of Court  
United States Bankruptcy Court  
701 E. Broad Street, Room 4000  
Richmond, VA 23219

If you mail your response to the Court for filing, you must mail it early enough so that the Court will **receive** it on or before the date stated above.

You must also send a copy to:

Boleman Law Firm, P.C.  
P.O. Box 11588

Mark C. Leffler (VSB #40712)  
Boleman Law Firm, P.C.  
P.O. Box 11588  
Richmond, VA 23230-1588  
Telephone (804) 358-9900  
Counsel for Debtors

Richmond, VA 23230-1588

If you or your attorney do not take these steps, the court may decide that you do not oppose the objection to your claim.

Dated: April 25, 2017

BOLEMAN LAW FIRM, P.C.  
Counsel for Debtors

By: /s/ Mark C. Leffler  
Mark C. Leffler (VSB #40712)  
Boleman Law Firm, P.C.  
P.O. Box 11588  
Richmond, VA 23230-1588  
Telephone (804) 358-9900  
Counsel for Debtors

**CERTIFICATE OF SERVICE**

I certify that on April 25, 2017 a copy of the foregoing has been sent to the Chapter 13 Trustee via the Court's CM/ECF system and mailed via first class mail to the following:

JR Direct  
3802 Rosecrans Street #536  
San Diego, CA 92110

DS Funding, L.L.C.  
c/o Darell A. Drinkwater, Registered Agent  
605 Lynnhaven PKWY STE 200  
Virginia Beach, VA 23452

Christopher Joseph Matisa  
Sandra Matisa  
171 Alameda Drive  
Pamplin, VA 23958

/s/ Mark C. Leffler  
Counsel for Debtors

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**OBJECTION TO CLAIM NO. 4-1 AND MEMORANDUM IN SUPPORT THEREOF**

**\*\*\*NOTICE OF TIME FOR FILING RESPONSE\*\*\***

**NOTICE IS HEREBY GIVEN that pursuant to Local Bankruptcy Rule Number 9013-1(H)(3)(d) of the Eastern District of Virginia, the Court may enter an order without a hearing if no response is filed to this objection within 30 days.**

COMES NOW, Christopher Joseph Matisa and Sandra Matisa, by counsel, and files this Objection to the Proof of Claim (Claim No. 4-1) filed by JR Direct d/b/a JR Direct (a/o DS Funding, LLC.....Washington Mutual Bank) ("JR Direct"), pursuant to 11 U.S.C. § 502, Federal Rules of Bankruptcy Procedure 3001, 3007 and 9014, and Local Bankruptcy Rules 3007-1 and 9013-1. In support thereof, Debtors respectfully state the following:

**Jurisdiction**

1. Jurisdiction of this Court over the instant matter is based upon 28 U.S.C. §§1334 and 157 in that this action arises in and relates to the bankruptcy case of the Debtors, a chapter 13 case having been filed in this Court on July 13, 2016.

2. This proceeding is a core proceeding under 28 U.S.C. §157(b)(2)(A), (B), (K), and (O).

3. Venue is proper pursuant to 28 U.S.C. §1409.

**Parties**

4. Christopher Joseph Matisa and Sandra Matisa (hereinafter “Debtors”) are the debtors in this case.

5. Respondent JR Direct filed a proof of claim in Debtors’ bankruptcy case. Upon belief and information, Respondent JR Direct is a business entity which is not registered to do business with the Virginia State Corporation Commission.

**The Claim At Issue**

6. JR Direct’s Proof of Claim sets forth its claim as follows: Unsecured in the amount of \$13,041.47.

7. The Proof of Claim purports to be for a judgment that was entered against the Debtors, by default, in the Appomattox General District Court.

8. The information provided by JR Direct in the Proof of Claim is the same information that is publically available on the Supreme Court of Virginia’s website.

9. The Proof of Claim is not executed by the creditor or the creditor’s agent.

**First Objection to Claim**

10. Federal Rule of Bankruptcy Procedure 3001(a) states: “A proof of claim shall conform substantially to the appropriate Official Form.”

11. The Proof of Claim filed is not the appropriate Official Form.

**Second Objection to Claim**

12. Rule 3001(b) requires the following, except in circumstances not applicable to this case: “A proof of claim shall be executed by the creditor or the creditor’s authorized agent . . . .”

13. The Proof of Claim is not executed by anyone, and not by the creditor or its authorized agent.

**Third Objection to Claim**

14. The debtors listed the debt as “unknown”, meaning they do not know the correct amount of the claim and request strict proof thereof.

15. Because the creditor did not file its Proof of Claim in compliance with Rule 3001, it is not entitled to be treated as prima facie valid. Fed.R.Bankr.P. 3001(f).

16. The debtors accordingly object to the claim in any amount and request that the Court require the creditor to prove the amount it is owed.

WHEREFORE, Debtors respectfully request that the Court sustain this Objection to Claim, disallow the claim, and order such other and further relief as is just and proper.

Respectfully submitted,

**Christopher Joseph Matisa**

**Sandra Matisa**

By Counsel

By: /s/ Mark C. Leffler

Mark C. Leffler (VSB #40712)

Boleman Law Firm, P.C.

P.O. Box 11588

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